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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-279

12 **LATTICE D. CHAPMAN**
266 Adams Street, Apt. 105
13 **Oakland, CA 94610**

ACCUSATION

14 **Registered Nurse License No. 608481**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about October 23, 2002, the Board of Registered Nursing issued Registered
23 Nurse License Number 608481 to Lattice D. Chapman (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on June 30, 2014, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
3 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
5 Nursing Practice Act.

6 5. Section 2761 of the Code states:

7 "The board may take disciplinary action against a certified or licensed nurse or deny an
8 application for a certificate or license for any of the following:

9 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

10 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
11 functions.

12"

13 6. California Code of Regulations, title 16, section 1443, states:

14 "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the
15 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and
16 exercised by a competent registered nurse as described in Section 1443.5."

17 7. California Code of Regulations, title 16, section 1443.5 states:

18 "A registered nurse shall be considered to be competent when he/she consistently
19 demonstrates the ability to transfer scientific knowledge from social, biological and physical
20 sciences in applying the nursing process, as follows:

21 "(1) Formulates a nursing diagnosis through observation of the client's physical condition
22 and behavior, and through interpretation of information obtained from the client and others,
23 including the health team.

24 "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and
25 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and
26 for disease prevention and restorative measures.

"(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.

"(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.

"(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

"(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided."

8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

9. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTUAL BACKGROUND

11. R.H. was a 35 year old deaf-mute patient who was admitted to John George Psychiatric Pavilion in San Leandro, California on January 7, 2010. She was transferred from God's Grace Care, a board and care facility, after she began to decompensate after medication changes. R.H. suffered from mild delayed development, schizophrenia, hypertension and

1 diabetes. The psychiatrist on duty at John George Psychiatric Pavillion evaluated R.H. and
2 ordered her admitted to the psychiatric inpatient unit with "Q15"¹ observation. R.H. was
3 conscious at the time of admission, and able to walk to the psychiatric inpatient unit.

4 12. Respondent was employed as the charge nurse for the night shift at John George
5 Psychiatric Pavillion when R.H. was admitted. At 02:45 on January 8, 2010, Respondent was
6 advised that R.H. was unresponsive. Respondent ran to R.H.'s room, where R.H. was found lying
7 on her stomach. Respondent tapped R.H. and got no response. She saw that R.H. had clear fluid
8 coming out of her mouth. Respondent wiped R.H.'s mouth and an L.V.N. began giving mouth-
9 to-mouth resuscitation. Respondent aided in providing C.P.R. The physician subsequently
10 arrived and ordered suction of R.H.'s mouth. R.H. was resuscitated and transferred to Eden
11 Medical Center at 03:30. R.H. never regained consciousness and died on January 19, 2010 at
12 Eden Medical Center. The cause of death was determined to be "terminal anoxic
13 encephalopathy" and "cardiopulmonary arrest during agitated psychotic state."

14 FIRST CAUSE FOR DISCIPLINE

15 (INCOMPETENCE)

16 13. Respondent is subject to disciplinary action under section 2761(a)(1) in that she was
17 incompetent when she failed to suction R.H.'s mouth after she was found unresponsive at 02:45
18 on January 8, 2010, as alleged above.

19 SECOND CAUSE FOR DISCIPLINE

20 (UNPROFESSIONAL CONDUCT)

21 14. Respondent is subject to disciplinary action under section 2761(a) in that she acted
22 unprofessionally when she failed to complete a code blue sheet or have the recorder complete it.

23 15. Respondent is further subject to disciplinary action under section 2761(a) in that she
24 acted unprofessionally when she failed to suction R.H.'s mouth after she was found unresponsive
25 at 02:45 on January 8, 2010, as alleged above.

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27 ¹ Q15 observation requires a patient to be visually observed every 15 minutes for assault,
28 suicide and disorganized behavior.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 608481, issued to Lattice D. Chapman;
2. Ordering Lattice D. Chapman to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED:

October 11, 2012

Louise Bailey
for

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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